

Limited Use Policy

Prevention and Education Program
Fort Knox ASAP
November 03

Limited Use Policy

- To facilitate the identification of alcohol & other drug abusers through self-referral
- To facilitate the treatment & rehabilitation of those abusers who demonstrate the potential for rehabilitation and retention.

What the Limited Use Policy Does:

- Prohibits the use by the government of Protected Evidence (positive drug results, information about illegal drugs or alcohol use) against a soldier in a courts-martial, UCMJ, or unfavorable characterization of service.**

Limited Use Policy Does:

- If a commander identifies a soldier as a drug abuser through self-referral then the commander is not required to initiate separation actions.
- A soldier can still be administratively discharged from a positive drug test that is covered by Limited Use Policy but the soldier will receive an Honorable Discharge.

What is Protected Evidence?

- **Results of a command directed/competence for duty (CO) urine or alcohol test or a rehabilitation test (RO) as part of ASAP treatment.**
- **A soldier's self-referral to ASAP**
- **Information concerning drug or alcohol abuse or possession of drugs for personal use occurring prior to a soldier's self-referral. This information is provided by the soldier as part of their initial entry into the ASAP.**

Protected Evidence - cont'd

- **Information concerning drug or alcohol abuse or possession of drugs for personal use, and biochemical tests results collected as a result of a soldier's emergency medical care for an actual or possible alcohol or drug overdose. (This does not include medical care resulting from apprehension by law enforcement or if the initial hospital admission was for other than alcohol or drug abuse (i.e. traffic accident injuries).**

Protected Evidence – cont'd

- **Biochemical tests results of a soldier who self-refers, who is tested prior to the drug being eliminated from his body.**
(A soldier self-refers on Monday after using cocaine on Sunday - the commander orders a 100% on Tuesday. The test result on the soldier was positive because cocaine can last up to 3 days in the body)

Limited Use Policy Does Not Apply to the Following:

- A positive test that results from law enforcement activities.**
- A positive urine rehabilitation test on a soldier who is enrolled for ALCOHOL abuse**
- Illegal drug abuse or possession after enrollment into the ASAP**
- Information concerning drug or alcohol abuse or possession of drugs for personal use occurring AFTER a soldier's self-referral.**

Limited Use Policy Does Not Apply:

- A positive urine test on a soldier conducted as an inspection (IO, IR, IU) after the soldier is enrolled in ASAP.
- Imperative that the “UPL” code a urine specimen with correct test basis to ensure that the Limited Use Policy is applied only when appropriate.

Fitness for Duty (CO):

- Commanders may direct urine testing or alcohol breath tests when there is a reasonable suspicion that a soldier is using a controlled substance or has a blood alcohol level of .05 percent or above while on duty.**

Fitness for Duty (CO):

- **Reasonable suspicion must be based upon information that possesses some internal indication of reliability, such as naming specific individuals, drug involved, and general time frame that the drug was used.**
- **Evidence obtained through fitness for duty testing may be used in administrative separation actions, but not on the issue of characterization of service.**

Probable Cause (PO):

- The commander should verify with SJA that he/she has probable cause prior to ordering this type of test:
 1. Probable cause to search exists when there is a reasonable belief that the person, property, or evidence sought is located in the place or on the person to be searched.

Probable Cause:

2. A determination of probable cause shall be based upon any or all of the following:

- a. Written statements communicated to the authorizing officer
- b. Oral statements communicated to the authorizing officer
- c. Such information as may be known by the authorizing officer that would not preclude the officer from action in an impartial fashion (**impartial judgment or w/o “prejudice”**)

Inspection Testing:

- **An inspection is an examination of the whole or part of a unit, organization, installation, vessel, aircraft, or vehicle...including an examination conducted at entrance and exit points. The primary purpose of an inspection is to determine and to ensure the security, military fitness, or good order and discipline of the unit, organization, installation, vessel, aircraft, or vehicle.**

Reasons for Conducting Inspections:

- **To insure that the command is properly equipped and functioning properly.**
- **To maintain readiness, sea or airworthiness, sanitation and cleanliness**
- **To insure that personnel are present, fit and ready for duty.**

Inspection Testing Codes:

- **Inspection Random (IR): Commander directed partial unit tests. (Ft Knox recommends 20%)**
- **Inspection Unit (IU): Commander directed unit sweep (100%)**
- **Inspection Other (IO: Inspection based on command/unit policy. A policy letter or SOP (soldier's after 30 days leave, newly arrived personnel, re-tests of rejected previously collected specimens)**

Other Testing:

- **Consent (VO): Must be voluntary**
- **Accident/Mishap (AO): When a soldier is involved in an accident that involves injury to soldiers or damage to government property.**
The accident or mishap must have occurred while the soldier was on duty and performing official duties.
- **Physician Directed (MO): To rule out a soldier using a controlled substance and wants to ascertain whether the soldier requires counseling, treatment, or rehabilitation. May also request a urine specimen from a soldier patient for any valid medical reason.**